

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

In re:

BRIGGS & STRATTON CORPORATION., et al.,¹
Debtors.

Chapter 11

Case No. 20-43597-399

(Jointly Administered)

**PRO METAL WORKS, INC.’S MOTION FOR ALLOWANCE OF
ADMINISTRATIVE EXPENSE CLAIM PURSUANT TO 11 U.S.C. § 503(b)(9)
AGAINST DEBTOR BILLY GOAT INDUSTRIES, INC.²**

Pro Metal Works, Inc. (“Pro Metal Works”) moves this court pursuant to 11 U.S.C. §§ 503(b)(9) and 507(a)(2) for an Order granting allowance of an administrative priority expense claim for goods sold and delivered to Debtor Billy Goat Industries, Inc. (“Billy Goat” or Debtor) in the 20 days preceding the commencement of Billy Goat’s bankruptcy case in the amount of \$9,216.00 (“Administrative Claim”). In support of its Administrative Claim against Billy Goat, Pro Metal Works states as follows:

JURISDICTION

1. This motion is a core proceeding under 28 U.S.C. § 157(b)(2) and this Court has jurisdiction over this motion pursuant to 28 U.S.C. § 157 and 28 U.S.C. § 1334.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are Briggs & Stratton Corporation (2330), Billy Goat Industries, Inc. (4442), Allmand Bros., Inc. (4710), Briggs & Stratton International, Inc. (9957), and Briggs & Stratton Tech, LLC (2102). The address of the Debtors’ corporate headquarters is 12301 West Wirth Street, Wauwatosa, Wisconsin 53222.

² This claim is made against Debtor Billy Goat Industries, Inc. (4442), Case No. 20-10575.

2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

3. On July 20, 2020 (“Petition Date”), the Debtor filed a voluntary petition for relief under the Bankruptcy code in the United States Bankruptcy Court for the Eastern District of Missouri.

4. Pro Metal Works is informed and believes that the Debtor has continued to operate its business and manage its affairs as debtor-in possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.

5. Pro Metal Works sold and shipped goods that were received by the Debtor within 20 days before the Petition Date worth \$9,216.00 (“the 503(b)(9) Goods”) in the ordinary course of the Debtor’s business. A list of the invoices for the 503(b)(9) Goods is attached to this motion as Exhibit A.

6. On August 20, 2020, the Court entered its Final Order (I) Authorizing Debtors to Pay Prepetition Obligations in the Ordinary Course of Business to (A) Critical Vendors, (B) Foreign Claimants, and (C) 503(b)(9) Claimants; and (II) Granting Related Relief. [Docket No. 534]

7. On October 1, 2020, Pro Metal Works filed Proof of Claim No. 73 against the Debtor Billy Goat Industries, Inc.

RELIEF REQUESTED

8. Pro Metal Works, Inc requests that the Court enter an Order granting it an administrative priority claim pursuant to Section 503(b)(9) of the Bankruptcy Code in the amount of \$9,216.00 and directing Billy Goat to pay this amount to Pro Metal Works, Inc. within 7 days.

BASIS FOR THE RELIEF REQUESTED

9. Section 503(b)(9) of the Bankruptcy Code provides for an administrative expense claim for the “value of any goods received by the debtor within 20 days before the date of the commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of the debtor’s business.” 11 U.S.C. § 503(b)(9).

10. Section 507(a) of the Bankruptcy Code provides that administrative expense claims under section 503(b) of the Bankruptcy Code have the first priority. 11 U.S.C. § 507(a)(2).

11. On the basis of the foregoing, Pro Metal Works is entitled to administrative priority status pursuant to section 503(b)(9) of the Bankruptcy Code.

WHEREFORE, Pro Metal Works requests that the Court enter an Order granting it an administrative priority claim pursuant to section 503(b)(9) of the Bankruptcy Code in the amount of \$9,216.00 and directing Billy Goat to pay this amount to Pro Metal Works, Inc., within 7 days, and for such other and further relief as this Court deems just and proper.

Dated this 6th day of October 2020.

STEINHILBER SWANSON LLP

By: /s/ Claire Ann Richman

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Exhibit A

Type	Date	Num	P. O. #	Name	Terms	Due Date	Open Balance
Invoice	06/29/2020	60243	P000228361	Billy Goat Industries	Net 60	08/28/2020	4,608.00
Invoice	07/07/2020	60314	P000228361	Billy Goat Industries	Net 60	09/05/2020	4,608.00
							9,216.00

Total